

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DR. GRETCHEN S. STUART, M.D.; *et al.*,

Plaintiffs,

v.

JANICE E HUFF, M.D.; *et al.*,

Defendants.

Civil Action No. 1:11-cv-804-CCE

**DECLARATION OF ERIN B. FORSYTHE OF THE PREGNANCY RESOURCE
CENTER OF CHARLOTTE (PRCC) IN SUPPORT OF
PROPOSED DEFENDANT INTERVENORS' MOTION FOR INTERVENTION**

I, ERIN B. FORSYTHE, declare as follows:

1. I am not a party or related to a party in this action. I am over the age of eighteen and competent to testify in this matter. I currently reside and work in Charlotte, North Carolina where since 2010 I have been employed as the Executive Director & CEO of the Pregnancy Resource Center of Charlotte (PRCC), a not-for profit organization duly organized under the laws of the State of North Carolina. I have read the Complaint filed herein and the recently enacted "WOMAN'S RIGHT TO KNOW ACT" (H.B. 854, enacted July 28, 2011, N.C. SESSION LAW 2011-405, the "Act") being challenged on the

various grounds set forth in that Complaint. PRCC seeks to intervene as a defendant-intervenor in this action. I am knowledgeable of the facts set forth herein, am duly authorized to make this declaration on behalf of PRCC, and if called to testify would do so, as follows.

2. My educational background, work experience and other qualifications to serve in my current capacity as PRCC's Executive Director are set forth in my resume, a true and correct copy of which is attached as EXHIBIT A hereto and incorporated herein by this reference.

3. As one of North Carolina's oldest and largest pregnancy resource centers, PRCC has served more than 50,000 North Carolina women since opening our doors in 1982. At all relevant times the mission of PRCC is and has been to care for, encourage, and educate women and men at risk for, or impacted by, an unplanned pregnancy.

4. At PRCC, our clients are treated with kindness, compassion and in a caring manner; and are served without regard to age, race, income, nationality, religious affiliation, disability or other arbitrary circumstances. Our clients always receive honest and open answers. Client pregnancy tests are distributed and administered in accordance with all applicable laws. Client information is held in strict and absolute confidence. Client information is only disclosed as required by law and when necessary to protect the client or others against imminent harm. All PRCC clients receive accurate information about pregnancy, fetal development, lifestyle issues, and related concerns. PRCC does

not offer, recommend or refer for abortions or abortifacients, but PRCC is committed to offering accurate information about abortion procedures and risks. All of PRCC's advertising and communications are truthful and honest and accurately describe the services PRCC does and does not offer. All of our staff and volunteers receive proper training to uphold these standards.

5. PRCC offers the following services: free pregnancy testing, including free limited ultrasound; peer counseling, guidance and support; material support, including baby items, and emergency supplies of diapers and formula; referrals to other community resources, including medical care; and post abortion support group studies.

6. All of PRCC's medical services are directly provided by either our volunteer medical doctors all of whom are obstetrician/gynecologists who are board-certified in their respective medical fields, registered nurses trained and tested for competency in limited obstetrical ultrasound, with an annual skills assessment evaluation by our Medical Director; or a registered diagnostic medical sonographer certified in obstetrics and gynecology by the American Registry of Medical Diagnostic Sonography (ARMDS). All medical personnel work under the supervision and standing medical orders of our Medical Director, who is also a board-certified obstetrician/gynecologist.

7. In 1996, PRCC expanded our pregnancy testing services to include free limited obstetrical ultrasounds complete with audible Doppler designed to detect fetal heart tones. Since that time, PRCC has performed thousands of limited ultrasounds. The

purposes of the limited ultrasound PRCC offers are: (1) to validate the existence of a intrauterine pregnancy; (2) establish in the most medically accurate way the probable gestational age of the unborn child; and (3) to give a mother a real-time opportunity to view an image of her unborn child and hear the unborn child's fetal heart tone, if she so desires. If a woman receives a limited ultrasound examination from PRCC but asks not to see the embryonic or fetal image or hear the heartbeat, it is the practice of PRCC's trained medical personnel under the standing orders and supervision of our Medical Director to fully inform the woman what the ultrasound is depicting, by at least providing to her a medical description of the images, which generally includes whether the embryo or fetus appears to be alive, the gestational age of the embryo or fetus as calculated from the dimensions of the embryo or fetus, and the presence of external members and internal organs, if present and viewable, as required by the Act.

8. Beginning in 2010, PRCC changed the criteria used to qualify our clients for a free limited ultrasound by reducing the number of "repeat" ultrasounds we had been offering and by generally limiting our offer of a free limited ultrasound to women who indicated to PRCC that they were either "abortion-vulnerable" or "abortion-minded." Starting in 2010, women who indicated to us that they were going to carry their pregnancy to its full-term were still offered our full array of counseling services, resources and referrals to medical doctors, but were generally not offered a free limited ultrasound because PRCC

understands that such an ultrasound examination would be customarily performed by a medical doctor to whom each woman is referred.

9. With the addition of our free limited ultrasound services in 1996, our client visits grew by about 500 women per year as women sought the free medically reliable information about their baby in the early stages of their pregnancy that ultrasound provides. Since 2007, PRCC's service statistics include the following:

<u>Year</u>	<u>Client Visits</u>	<u>Ultrasounds</u>
2007	2910	606
2008	2757	670
2009	2796	862
2010	2853	823
2011 thru 9/30/11	2168	582

10. A true and accurate copy of the PRCC's Annual Report for calendar year 2010 is attached hereto as EXHIBIT B and incorporated herein by this reference. Based upon PRCC's analysis of our FY 2010 client information, it appears that of the 951 clients who indicated to us that they were abortion-vulnerable or abortion-minded before receiving their free limited ultrasound examination, 823 such women accepted our offer to see a real-time ultrasound image, hear the fetal heart tone and/or at least listen to the above-described medical description of what their ultrasound images were depicting. Of these 823 women, at least 243 women indicated to us, at the completion of their ultrasound or subsequently, that they had decided to carry their pregnancy to term, at least in part

because of the information they had received or experienced from their ultrasound examination.

11. In addition to the above statistics validating the apparent benefit and usefulness to women of PRCC's free limited ultrasound examination in making a truly voluntary and fully informed consent about whether to terminate or continue their pregnancy, PRCC's first trimester abortion-vulnerable or abortion-minded ultrasound clients upon viewing a real-time image of their ultrasound or listening real-time to the fetal heart tones, frequently make the following kinds of statements to PRCC's counselors or medical personnel with respect to the real-time images or heart tones of the unborn child they are viewing or have just viewed :

"I didn't know it was that developed!"

"I had no idea I was that far along"

"I thought it was a blob of tissue, that doesn't look like a blob".

"I am surprised to hear and even see the heartbeat!"

"Wow, that is my baby...I didn't know that."

"Can you tell me if it's a boy or a girl?"

"Can I have a picture of my [the] baby?"

"This makes it real for me!"

12. One of the purposes for which we exist is to assure that every woman facing an unplanned pregnancy is provided with all the information about all the options that she has as she considers how to proceed with her pregnancy. With respect to the option of terminating her pregnancy through induced surgical or medical abortion, we are

particularly qualified and concerned to make sure that before any woman gives her consent to a non-emergency induced abortion she is fully informed and is able to make a truly voluntary decision. Accordingly, we are well qualified and very experienced in providing to such women all the information regarding the medical risks of the procedure and the adverse consequences that may proceed from it. In addition to this information,, we accurately and professionally provide to such women all of the information that is required to be provided by the Act being challenged in this action. As described above, using limited obstetric ultrasonography designed to determine the viability of a pregnancy, we also provide a obstetric real-time view of the image of every woman's unborn child, including the auscultation of the fetal heart tone, while explaining to the woman what this image and heart tone is medically depicting, just as is required by Section 90-21.85 of the Act being challenged in this action.

13. Given the above-described services we provide, including free limited ultrasound, we commonly serve women who have been referred to us by one of the plaintiffs in this case who do not provide abortion services in our area, for the purposes of providing these women with information regarding all of their options, including the information and service described in paragraph 9 above.

14. In anticipation of the Act becoming effective on October 26, 2011, PRCC has prepared itself, and is well-qualified, to provide the informed consent certifications required under Sections 90-21.82 (3) and 90-21.85 (a)(5) or (c) the Act for walk-in

clients, as well as clients referred to PRCC from any number of entities, including at least one of the plaintiffs in this action, Planned Parenthood Health Systems, Inc. that operates the Planned Parenthood: Charlotte Health who provide abortion referrals but who may not want to perform these certifications. Therefore, we are vitally interested in all of the provisions of the Act going into full force and effect because such effectiveness promises to significantly increase the number of clients we already have the capacity to serve, and our opportunity to make sure, as required by the Act, that all women who decide to terminate their pregnancy or carry it to term have done so only after receiving all the information they need to make a fully informed and truly voluntary decision, including a medically accurate description of the ultrasound real time images and fetal heart tones of each woman's unborn child.

15. PRCC has served thousands of post-abortive women. We have seen and heard our post-abortive clients share first-hand the devastatingly adverse emotional, physical, relational, psychological, and spiritual consequences of choosing abortion. Both from PRCC's counseling experience and from published studies, PRCC has learned that for some women, abortion is associated with significant emotional and psychological problem which can affect women condition. It can affect women in the short-term or for the rest of their lives. PRCC regularly receives calls and communications from women who report to us how surprised they are by the negative consequences they are experiencing after their abortion. Such women regularly tell us the risks of the

consequences they are now suffering had not been provided or adequately described to them by the abortion provider. Describing the pain or shame of the adverse psychological consequences and other life conditions they are experiencing, PRCC's clients regularly tell PRCC's counselors:

"I didn't want to go through with it"

"I already regret it so much"

"I wish I had a second chance, knowing what I know now".

15. Based upon PRCC's counseling experience with thousand of clients and its review of pertinent studies of post-abortive women, PRCC is informed and believes that a woman who makes a truly voluntary and fully informed decision to terminate her pregnancy at less for adverse psychological consequences than a woman who does not feel that she has made a truly voluntary and fully informed decision to terminate her pregnancy. Therefore, even in the case of a woman who does not tell PRCC she is carrying the pregnancy to term following her ultrasound examination, as described above, it is PRCC's experience that in almost all cases, such a woman tells PRCC that she greatly appreciates seeing, hearing and receiving this information because it makes her feel more empowered and fully knowledgeable as to the real-time status of her pregnancy, the existence of her unborn child, and the true consequences of her parenting choice.

16. Based upon PRCC's interviews and discussions with hundreds of post-abortive women in North Carolina, PRCC concludes that abortionists in North Carolina, including

at least some of the plaintiffs in this case, do not give women enough information for them to make a truly voluntary and fully informed decision about what an abortion is and what risks and adverse complications can arise from abortion.

17. Because PRCC believes that the number of clients it will be able to serve will significantly increase if all the provisions of the Act are implemented, and because PRCC daily shares with the women we serve a number of facts and expert opinions that are directly contradicted by factual allegations and expert opinions that are being alleged and have already been offered in evidence by the plaintiffs and cited by the Court in this case, PRCC seeks to intervene as a defendant-intervenor to protect its own legal interests, including those interests advanced and protected by the Act, as well as to adjudicate the common issues of law and fact raised by the Complaint in this matter. PRCC will do nothing to unduly delay or prejudice the adjudication of the original parties' rights in this action.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on November 1, 2011.

/s/ Erin Forsythe

Erin B. Forsythe

at least some of the plaintiffs in this case, do not give women enough information for them to make a truly voluntary and fully informed decision about what an abortion is and what risks and adverse complications can arise from abortion.

17. Because PRCC believes that the number of clients it will be able to serve will significantly increase if all the provisions of the Act are implemented, and because PRCC daily shares with the women we serve a number of facts and expert opinions that are directly contradicted by factual allegations and expert opinions that are being alleged and have already been offered in evidence by the plaintiffs and cited by the Court in this case, PRCC seeks to intervene as a defendant-intervenor to protect its own legal interests, including those interests advanced and protected by the Act, as well as to adjudicate the common issues of law and fact raised by the Complaint in this matter. PRCC will do nothing to unduly delay or prejudice the adjudication of the original parties' rights in this action.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on November 1, 2011.



Erin B. Forsythe

ERIN B. FORSYTHE

EDUCATION

Masters of Divinity in Biblical Counseling

Southeastern Baptist Theological Seminary, Wake Forest, North Carolina (May 2004)

B.A. Communications

University of North Carolina at Chapel Hill, Chapel Hill, North Carolina (May 1999)

Honor Graduate

Randleman High School, Randleman, North Carolina (May 1995)

EXPERIENCE

2010-present ***Pregnancy Resource Center of Charlotte (CareNet Affiliate)*** Charlotte, NC

EXECUTIVE DIRECTOR

Administrative:

- Provides managerial support, direction, and supervision to all Center staff
- Conducts yearly written and oral evaluations of personnel
- Coordinates with the Treasurer, Board, and staff on annual budget that is presented to the Board
- Oversees and ensures that accurate and current financial records are kept and reported
- Oversees expenditures for budgeted expenses
- Oversees the compilation of statistical reports, accurate record keeping, and reporting
- Ensures that all Center policies are carried out, as well as coordinate with Board regarding new policies
- Plans consistent meetings with staff and volunteers to assess progress, challenges/opportunities, goals and initiatives
- Attends all Board meetings and presents monthly reports
- Maintains Policy and Procedure manual for the operation of the Center
- Oversees management of a donor relations / management program

Development/ Public Relations:

- Oversee plans, conduct, and work of Director of Advancement to execute major fund-raising events
- Be involved in expansion and visibility of the Center in the community
- Educates the local community, including churches, pastors, community groups, and the professional community about the Center and the sanctity of human life with the goal of obtaining support
- Develops and maintains ongoing relationship with pastors and churches in the community
- Develops and maintains relationships with other ministries/organizations that meet client needs
- Represents the Center and its services to the community and the media.

2006-August 2009

Samaritan's Purse

Washington, Oregon, Idaho, Montana, Alaska

NORTHWEST REGIONAL DIRECTOR

- * Developed, coordinated, and directed regional staff and volunteers in 5 states in developing and implementing OCC in the areas of volunteer relations, church & community relations, logistics, and operations
- * Led and mobilized over 400 volunteers in the efforts of recruitment, orientation, training, evaluation, and retention activities for project participants (donors, churches, and corporate sponsors)
- * Communicated mission of OCC and program with staff, volunteers and communities in implementing new volunteer leadership structure
- * Partnered with home office in NC to meet project standards and in implementing project plans/goals
- * Served as regional media spokesperson; developed and maintained contact with media

2004-2006

Wilson Pregnancy Center (CareNet Affiliate)

Wilson, NC

EXECUTIVE DIRECTOR

- * Developed, coordinated, directed and administered policies and procedures relating to all phases of the center
- * Directed planning, recruitment, orientation, training, evaluation, retention and recognition activities of all volunteers, staff, supporting churches, and corporate sponsors
- * Managed staff overseeing all client support services (crisis counseling, parenting training, community referrals)
- * Partnered with Board of Directors in recommending marketing and other strategic programs targeted at increasing development and public relations
- * Managed budget and center expenses

2000-2003

M-Fuge, LifeWay Christian Resources

St. Louis, MO, Nashville, TN,
Jacksonville, FL, Philadelphia, PA

CAMP AND COMMUNITY PROJECT DIRECTOR

- * Coordinated quality camp programming for 400 youth and adults weekly
- * Trained and supervised over 100 summer staff members
- * Served as coordinator and liaison in maintaining communication with 80+ community professionals, volunteers and campus contacts in directing community based volunteer groups within cities
- * Organized and supervised all community activities (construction teams, sports camps, social ministry projects, inner city outreach and evangelism) for all camp-wide participants.

1999-2000

University of North Carolina Health Care System

Chapel Hill, NC

MARKETING PROGRAM ASSISTANT

Developed and implemented CME experiences for over 100 community-based primary care physicians serving as preceptors for UNC medical students

Aided program coordinator with marketing and recruiting of community physicians state-wide

Served as responsible liaison between hospital staff and program participants

1997-1999

Granville Towers, Allen and O'Hara Properties

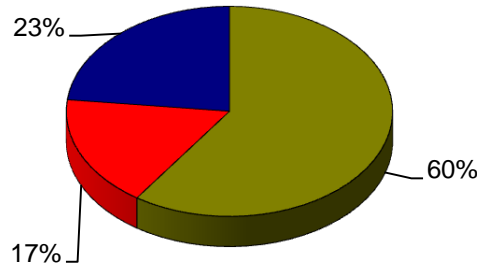
Chapel Hill, NC

ASSISTANT DORM MANAGER

- * Supervised 1400 college residents
- * Planned unique social and educational monthly events for residents
- * Developed effective marketing promotions which increased enrollment

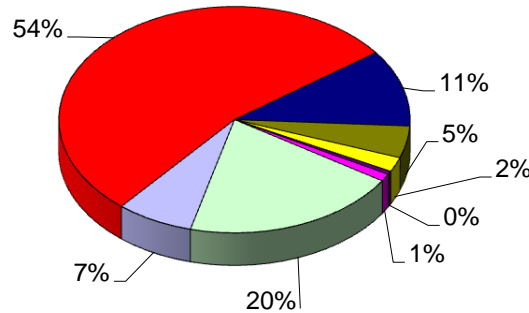
- * Lifetime Member, General Alumni Association, University of North Carolina at Chapel Hill
- * Lifetime Member, Women's Auxiliary, Southeastern Baptist Theological Seminary

Expenses



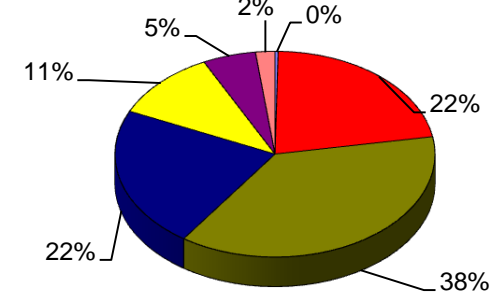
■ Program Services ■ Administrative ■ Fundraising

Funding Sources



■ Individuals ■ Churches ■ Businesses
■ Foundations ■ Other ■ Interest
■ Banquet ■ Walk & Baby Bottles

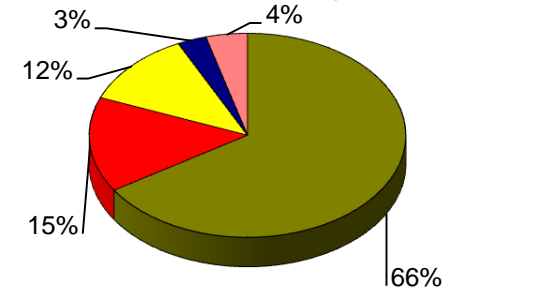
Clients' Ages



■ Under 15yrs. ■ 15-19yrs. ■ 20-24yrs. ■ 25-29yrs.
■ 30-34yrs. ■ 35-39yrs. ■ 40+yrs.

- ❖ During 2010, PRCC staff and volunteers ministered to 2,853 new women in the name of Christ.
- ❖ The phones rang 8,826 times with an average number of abortion related calls being 39/month.
- ❖ Phone calls requesting client services totaled 7,378.
- ❖ 951 pregnant women were seriously at risk to choose abortion. At least 243 of them made the decision to continue their pregnancy.*
- ❖ PRCC medical clinic served 902 clients, performing 823 free ultrasounds.
- ❖ 68 women accepted Christ as Savior (a 65% increase from 2009) and 35 women made recommitments (a 3.375% increase from 2009) as a result of experiencing the unconditional love of Christ and hearing the message of hope in Him.
- ❖ In the H.O.P.E. program, 1,608 pregnant women received education, nurturing, infant care training and baby supplies.
- ❖ 160 men received services through "A Father's Place" Program (60% increase from 2009).
- ❖ In summary, there were 15,280 client touches. A "touch" is any investment of time in a client's life such as initial visits, phone calls, correspondence, clinic visits, classes, etc.

Clients' Ethnicity



■ African American ■ Caucasian ■ Hispanic ■ Asian ■ Other

* Disclaimer: A significant % of clients have frequent changes in contact information & thorough follow-up is impossible.

Affiliated with: CARENET



Data collected for the full calendar year Jan - Dec 2010